

Attachment A - Bivens Complaint form

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

Christopher L. Harris

05927-028

(Enter above the full name of the plaintiff
or plaintiffs in this action)

(Inmate Reg. # of each Plaintiff)

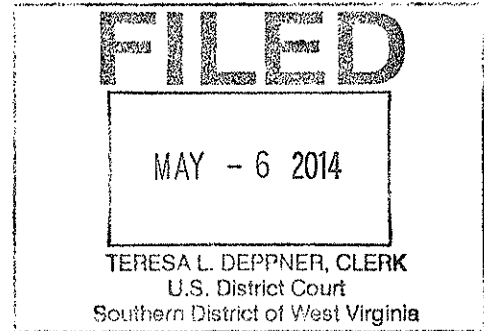
v.

CIVIL ACTION NO. 1:14-15925
(Number to be assigned by Court)

K. Martin, Lieutenant
R. Tipton, SIS Lieutenant
C. Broton, SIS Tech

(Enter above the full name of the defendant
or defendants in this action)

Defendant(s).



COMPLAINT

I. Parties

A. Name of Plaintiff:

Christopher L. Harris

Inmate No.:

05927-028

Address:

P.O. Box 1009 - F.C.I. McDowell
Welch, WV 24801

- B. Additional Plaintiff(s) (provide the same information for each plaintiff as listed in Item A above).

Name of Plaintiff: _____

Inmate No.: _____

Address: _____

Name of Plaintiff: _____

Inmate No.: _____

Address: _____

- C. Name of Defendant: K. Martin

Position: Lieutenant

Place of Employment: F.C.I. McDowell

- D. Additional Defendant(s) (provide the same information for each defendant as listed in Item C above):

Name of Defendant: R. Tipton

Position: SIS Lieutenant

Place of Employment: F.C.I. McDowell

Name of Defendant: C. Broton

Position: SIS Tech

Place of Employment: F.C.I. McDowell

II. Place of Present Confinement

Name of Prison/Institution: F.C.I. McDowell

- A. Is this where the events concerning your complaint took place?

Yes ✓ No

If you answered "no," where did the events occur? _____

- B. Is there a prisoner grievance procedure in this institution?

Yes ✓ No

- C. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes ✓ No

If you answered "no," explain why not: _____

If you answered "yes," what was the result at level one, level two and level three (attach grievances and responses): _____

Referred To Authorities. SEE II C Attachment

III. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise related to your imprisonments?

Yes  No 

- B. If your answer to A is “yes,” describe the lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.

1. Parties to the previous lawsuit:

Plaintiff(s): CHRISTOPHER L. HARRIS

Defendant(s): Enc. Holder, U.S.A.G.

II. C-ATTACHMENT

Exhaustion Of Administrative Remedies

1. ~~1.~~ On March 24, 2014, F.C.I. McDowell Remedy Coordinator Received Inmate Harris' Remedy For Illegal Search And Seizure Under ID No. 772575-FI. SEE RECEIPT ATTACHED, EX. C.
2. ~~2.~~ A Response Was Due April 13, 2014 And Received By Inmate Harris.
3. ~~3.~~ Inmate Harris Was Given The Standard Response That My Allegations Would Be Referred To The Appropriate Authorities But Harris Would Not Be Privy To The Results.
4. ~~4.~~ Immediately, But After The Response, Inmate Harris Appealed To The Mid-Atlantic Regional Director Where The Remedy Is Now Pending, Which Inmate Harris Will Forward To This Court Upon Disposition. SEE RECEIPT, EXHIBIT C. 1
5. ~~5.~~ On April 22, 2014, Inmate Harris Notified Port Masters, d.b.a., Warden, About His Staff's Deliberate Hinderance And Delay Of Process And Return Of Harris' Submitted Remedies.

2. Court (if federal court, name the district; if state court, name the county);

Southern West Virginia / McDowell

3. Docket Number: 1:14-00584; 14-C-15; 1:14-11734

4. Name of judge to whom case was assigned: David A. Faber

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

Still Pending

6. Approximate date of filing lawsuit: JAN. 7, 2014; ^{STATE} JAN. 23; MAR. 6, 2014

7. Approximate date of disposition: N/A

IV. Statement of Claim

State here, as briefly as possible, the facts of your case. Describe what each defendant did to violate your constitutional rights. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets of paper if necessary.)

SEE IV. ATTACHMENT

IV. ATTACHMENT

Statement Of Facts

6. # On January 23, 2014, A Complaint Was Filed In The Circuit Court For McDowell County, State Of West Virginia, In The Case Of Christopher Harris v. Eric Holder, Circuit Court No. 14-C-15.
7. # On February 18, 2014, The Mid-Atlantic Regional Office Received A Copy Of The Summons Issued By The McDowell County Circuit Court No. 14-C-15 To Eric Holder. See Case No. 1:14-11734, U.S. Dist. Ct. So. Dist. WV @ Bluefield, Dep's Exhibit A.
8. # On February 18, 2014, A Letter From The Legal Department At Beckley Was Sent Back To FCI McDowell Through The Legal Department Indicating That Inmate Harris Used The Mail For An Attempt To File A Civil Suit Against The U.S. Attorney General Eric Holder To Gain His Release From Prison.
9. # On February 18, 2014, As A Result Of The Letter From The Legal Department At Beckley Sent Through The Legal

- Department At F.C.I. McDowell Indicating That Inmate Harris Used The Mail For An Attempt To File A Civil Suit Against Eric Holder, R. Martin, d.b.a., Lieutenant, Ordered Inmate Harris To Be Detained "Under Investigation." See Detention Order, Ex. A.
10. ~~10.~~ On February 18, 2014, As A Result Of The Letter From The Legal Department At Beckley Sent Through The Legal Department At F.C.I. McDowell Indicating That Inmate Harris Used The Mail For An Attempt To File A Civil Suit Against Eric Holder, R. Tipton, d.b.a., SIS Lieutenant, Illegally Seized And/Then Searched Inmate Harris' Legal Papers And Effects.
11. ~~11.~~ On April 20, 2014, C. Proton, d.b.a., SIS Tech, Charged Inmate Harris With: "Use On The Mail For An Illegal purpose Or to Commit Or Further A Greatest Category Prohibited Act," For Attempting To File A Civil Suit Against Eric Holder. See Incident Report, Ex. B.

IV a. ATTACHMENT

LEGAL CLAIMS

12. Plaintiff REAFFIRMS AND INCORPORATES BY REFERENCE PARAGRAPHS 1-11.
13. DEFENDANT K. MARTIN'S ORDER TO DETAIN PLAINTIFF HARRIS BASED UPON PLAINTIFF HARRIS' ATTEMPT TO FILE A CIVIL SUIT VIOLATES PLAINTIFF'S RIGHT AT 8541.12, #6 (SEE PLNTF'S EX. D & A), AND CONSTITUTES A 4th AND 8th AMENDMENT VIOLATION TO THE U.S. CONSTITUTION.
14. Plaintiff HAS NO PRIN. ADEQUATE OR COMPLETE REMEDY AT LAW TO REDRESS THE WRONGS DESCRIBED HEREIN. Plaintiff HAS BEEN AND WILL CONTINUE TO BE IRREPARABLY INJURED BY THE CONDUCT OF THE DEFENDANTS UNLESS THIS COURT GRANTS COMPENSATORY, PUNITIVE AND DECLARATORY RELIEF WHICH PLAINTIFF SEEKS.
15. DEFENDANT R. TIPTON'S SEARCH AND SEIZURE OF PLAINTIFF HARRIS' LEGAL PAPERS AND EFFECTS BASED UPON PLAINTIFF HARRIS' ATTEMPT TO FILE A CIVIL SUIT VIOLATES PLAINTIFF'S RIGHT AT 8541.12, #6 (SEE PLNTF'S EX. D), AND CONSTITUTES AN

INFRINGEMENT, OR DEPRIVATION OF PLAINTIFF HARRIS' PRIVILEGES AND IMMUNITIES SECURED BY THE 4th AMENDMENT TO THE U.S. CONSTITUTION.

16. Plaintiff has no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the conduct of the defendants unless this court grants compensatory, punitive and declaratory relief which Plaintiff seeks.
17. Defendant C. Broton's charge against Plaintiff Harris for using the mail to file or attempt to file a civil suit (see Plaintiff's Ex B) violates Plaintiff's right at 8541.12, #6 (Plaintiff's Ex. 1), and constitutes an infringement or deprivation of Plaintiff Harris' privileges and immunities secured by the 4th Amendment to the U.S. Constitution and cruel and unusual punishment.
18. Plaintiff has no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff

HAS BEEN AND WILL CONTINUE TO BE
IRREPARABLY INJURED BY THE CONDUCT
OF THE DEFENDANTS UNLESS THIS
COURT GRANTS COMPENSATORY, PUNITIVE
AND DECLARATORY RELIEF WHICH PLAINTIFF
SEEKS.

Plaintiff's Exhibit A

BP-A0308
AUG 11

ADMINISTRATIVE DETENTION ORDER

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONSMCDOWELL FCI
Institution

Date/Time: 02-18-2014 08:11

TO : Special Housing Unit Officer

FROM : MARTIN, LIEUTENANT, (Name/Title)

SUBJECT : Placement of HARRIS, CHRISTOPHER L, Reg. No. 05927-028, in Administrative Detention

(a) Is Pending a hearing for a violation of Bureau regulations;

☒ (b) Is Pending investigation of a violation of Bureau regulations;

(c) Is Pending investigation or trial for a criminal act;

(d) Is to be admitted to Administrative Detention

(1) Since the inmate has requested admission for protection;

I hereby request placement in Administrative Detention for my own protection.

Inmate Signature/Register No.:

Staff Witness Printed Name Signature:

(2) Since a serious threat exists to individual's safety as perceived by staff, although person

has not requested admission; referral of the necessary information will be forwarded to the
UDC/DHO for appropriate hearing.

(e) Is Pending transfer or is in holdover status during transfer.

(f) Is Pending classification; or

(g) Is terminating confinement in Disciplinary Segregation and has been ordered into Administrative
Detention by the Warden's designee.

It is this Correctional Supervisor's decision based on all the circumstances that the above named inmate's continued presence in the general population poses a serious threat to life, property, self, staff, other inmates, or to the security or orderly running of the institution because*

SIS INVESTIGATION

Therefore, the above named inmate is to be placed in Administrative Detention until further notice. The inmate received a copy of this Order on

(date/time)

Staff Witness Signature/Printed Name

Date

* In the case of DHO action, reference to that order is sufficient. In other cases, the Correctional supervisor will make an independent review and decision, which is documented here.

Record Copy - Inmate Concerned (not necessary if placement is a result of holdover status); Copy - Captain; Copy - Unit Manager; Copy - Operation Supervisor - Administrative Detention Unit; Copy - Central File

Prescribed by P5270 (Replaces BP-308(52) of JAN 1988.)

BP-S388.052

SEP 15

INCIDENT REPORT CDFRM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Part I - Incident Report

1. Institution: FCI MCDOWELL

2. Inmate's Name
Harris, Christopher3. Register Number
05927-0284. Date of Incident
~~02-18-2013~~5. Time
2:10 P.M.6. Place of Incident
R&D7. Assignment
SHU Unassigned8. Unit
~~02-18-2014~~ CB
202-131AD

9. Use of the mail for an illegal purpose or to commit or further a Greatest category prohibited act.

10. Prohibited Act Code
196A, 204A, 314

204 ▶ Extortion, blackmail, protection, demanding or receiving money or anything of value in return for protection against others, to avoid bodily harm, or under threat of informing.

314 ▶ Counterfeiting, forging or unauthorized reproduction of any document, article of identification, money, security, or official paper (may be categorized in terms of greater severity according to the nature of the item being reproduced)

196 ▶ Use of the mail for an illegal purpose or to commit or further a Greatest category prohibited act.

1. Description Of Incident (Date: 04-20-2014 Time: 09:33 A.M Staff became aware of incident)

On 04-20-2014 a SIS investigation concluded that on 02-18-2014 inmate Harris, Christopher Reg. No. 05927-028 refused to return to the housing unit. Inmate Harris was searched in the Lieutenant's office and placed in the holding cell. A search of the contents of inmate Harris's bags discovered falsified memos from Councilor Fields and fictitious financial instruments. A check of communications of inmate Harris found two requests to staff particularly Executive Assistant Mr. Friss and Assistant Warden Ms. Saad. The requests to staff states, "However, for your consideration for releasing the undersigned by next SHU review from Detention Back to the compound undersigned promises to cease and desist all efforts at obtaining a remedy to include punitive damages." The requests are threats saying if they do not let him out of special housing, he will sue them. A letter from the Legal Department at Beckley, revealed that inmate Harris has sent a letter to the Attorney General, Eric Holder. This letter authored by inmate Harris and was sent from FCI McDowell under Legal Mail requirements to the Department of Justice c/o Eric Holder. The letter was sent back to FCI McDowell through the Legal Department and a review of the letter indicated inmate Harris used the mail for an attempt to file a civil suit against the United States Attorney General Eric Holder to gain his release from prison. Inmate Harris is trying to use fictitious financial instruments, W9 IRS form and a fake contract to have the courts in McDowell County to release him from prison.

12. Signature of Reporting Employee

C. Broton

Date And Time
04-20-2014
11:05 AM13. NAME AND TITLE
C. Broton SIS Tech14. Incident Report Delivered to Above Inmate By
(Type Name/Signature)

C. Diamond

15. Date Incident
Report Delivered
4-20-1416. Time Incident
Report Delivered
6:45 AM

Part II - Committee Action

17. Comments of Inmate to Committee Regarding Above Incident

HARRIS EXHIBIT B

18. A. It is the finding of the committee that you:

____ Committed the Prohibited Act as charged.

____ Did not Commit a Prohibited Act.

B. ____ The Committee is referring the Charge(s) to the DHO for further Hearing.

C. ____ The Committee advised the inmate of its finding and of the right to file

RECEIPT - ADMINISTRATIVE REMEDY

DATE: MARCH 26, 2014

FROM: ADMINISTRATIVE REMEDY COORDINATOR
MCDOWELL FCI

229

TO : CHRISTOPHER L HARRIS, 05927-028
MCDOWELL FCI UNT: UNIT B4 QTR: Z01-111UAD

THIS ACKNOWLEDGES THE RECEIPT OF THE ADMINISTRATIVE REMEDY REQUEST
IDENTIFIED BELOW:

REMEDY ID : 772575-F1
DATE RECEIVED : MARCH 24, 2014
RESPONSE DUE : APRIL 13, 2014
SUBJECT 1 : OTHER SEARCHES
SUBJECT 2 :

Plaintiff's Exhibit C

Plaintiff's Exhibit C. 1

RECEIPT - ADMINISTRATIVE REMEDY

DATE: APRIL 24, 2014

FROM: ADMINISTRATIVE REMEDY COORDINATOR
MID-ATLANTIC REGIONAL OFFICE

TO : CHRISTOPHER L HARRIS, 05927-028
MCDOWELL FCI UNT: UNIT B4 QTR: Z05-230UAD

THIS ACKNOWLEDGES THE RECEIPT OF THE REGIONAL APPEAL
IDENTIFIED BELOW:

REMEDY ID : 772575-R1
DATE RECEIVED : APRIL 18, 2014
RESPONSE DUE : MAY 18, 2014
SUBJECT 1 : OTHER SEARCHES
SUBJECT 2 :

Plaintiff's Exhibit 1

correspond with family members, and friends, and correspond with members of the news media in keeping with Bureau rules and institution guidelines.

conduct yourself properly during visits, not to accept or pass contraband, and not to violate the law or Bureau rules or institution guidelines through your correspondence.

6. You have the right to unrestricted and confidential access to the courts by correspondence (on matters such as the legality of your conviction, civil matters, pending criminal cases, and conditions of your imprisonment.)

6. You have the responsibility to present honestly and fairly your petitions, questions, and problems to the court.

7. You have the right to legal counsel from an attorney of your choice by interviews and correspondence.

7. It is your responsibility to use the services of an attorney honestly and fairly.]

RIGHTS

RESPONSIBILITIES

8. You have the right to participate in the use of law library reference materials to assist you in resolving legal problems. You also have the right to receive help when it is available through a legal assistance program.

8. It is your responsibility to use these resources in keeping with the procedures and schedule prescribed and to respect the rights of other inmates to the use of the materials and assistance.

9. You have the right to a wide range of reading materials for materials for educational purposes and for your own enjoyment. These materials may include magazines and newspapers sent from the community, with certain restrictions.

9. It is your responsibility to seek and utilize such materials for your personal benefit, without depriving others of their equal rights to the use of this material.

10. You have the right to participate in education, vocational training and employment as far as resources are available, and in keeping with your interests, needs, and abilities.

10. You have the responsibility to take advantage of activities which may help you live a successful and law-abiding life within the institution and in the community. You will be expected to abide by the regulations governing the use of such activities.

11. You have the right to use your funds for commissary and other purchases, consistent with institution security and good order, for opening bank and/or savings accounts, and for assisting your family.

11. You have the responsibility to meet your financial and legal obligations, including, but not limited to, court-imposed assessments, fines, and restitution. You also have the responsibility to make use of your

V. Relief

State briefly and exactly what you want the Court to do for you. Make no legal arguments.
Cite no cases or statutes.

COMPENSATORY DAMAGES - \$10,000.00 Individually;
PUNITIVE DAMAGES - \$15,000.00 Individually;
DECLARATORY RELIEF;
A JURY TRIAL ON ALL ISSUES TRIABLE BY JURY;
Plaintiff's Costs In This Suit;
Any Additional RELIEF THIS COURT DEEMS JUST, PROPER,
AND EQUITABLE.
Signed this 28 day of April, 20 14.

Christopher L. Harris

Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 28, 2014.
(Date)

Christopher L. Harris
Signature of Plaintiff

Chris B. Harris #05927-028
Federal Correctional Institution
P.O. Box 1009
Wahat, WV- 24801



Clerk, U.S. District Court
601 Federal Street, Rm. 2303
Bluefield, WV-24701

Legal

FEDERAL CORRECTIONAL INSTITUTION

McDOWELL
PO BOX 1029
WELCH, WV 24801

DATE _____

THE ENCLOSED LETTER WAS PROCESSED THROUGH
SPECIAL MAILING PROCEDURES FOR FORWARDING TO
YOU. THE LETTER HAS BEEN NEITHER OPENED NOR
INSPECTED. IF THE WRITER RAISES A QUESTION OR
PROBLEM OVER WHICH THIS FACILITY HAS JURIS-
DICTION, YOU MAY WISH TO RETURN THE MATERIAL
FOR FURTHER INFORMATION OR CLARIFICATION. IF
THE WRITER ENCLOSES CORRESPONDENCE FOR
FORWARDING TO ANOTHER ADDRESSEE, PLEASE
RETURN THE ENCLOSURE TO THE ABOVE ADDRESS.